



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/598,819	09/12/2006	Bernard Didier	28944/50046	1671

57726 7590 10/29/2009  
MILLER, MATTHIAS & HULL  
ONE NORTH FRANKLIN STREET  
SUITE 2350  
CHICAGO, IL 60606

EXAMINER
----------

MARIAM, DANIEL G

ART UNIT	PAPER NUMBER
----------	--------------

2624

NOTIFICATION DATE	DELIVERY MODE
-------------------	---------------

10/29/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

lrudaitis@MILLERMATTHIASHULL.COM

<b>Office Action Summary</b>	<b>Application No.</b> 10/598,819	<b>Applicant(s)</b> DIDIER ET AL.	
	<b>Examiner</b> DANIEL G. MARIAM	<b>Art Unit</b> 2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-26 and 28-49 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9, 14, 15, 17, 18, 26, 28-35, 40, 41, 43 and 44 is/are rejected.
- 7) ☒ Claim(s) 10-13, 16, 19-25, 36-39, 42 and 45-49 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/01/06</u> . | 6) <input type="checkbox"/> Other: ____.  |

Art Unit: 2624

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 5, 12, 13, 17, 22, 24, 34, 36, and 47 are objected to because of the following informalities: each of the above identified claims does not end with a period. Each claim should begin with a capital letter and ends with a period (See MPEP 608.01(m)). Appropriate correction is required.

### ***Examiner's Note***

2. Examiner has cited particular columns and line numbers or figures in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-9, 14-15, 17-18, 26, 28-35, 40-41, 43, and 44 are rejected under 35 U.S.C. 102(b) as being anticipated by Tomko (5,790,668).

Art Unit: 2624

With regard to claim 1, Tomko discloses a method of identification control of persons, comprising a phase of generating a unique means of identification associated with at least one person (See for example, Figs. 4-5) comprising the following steps: /a/ detecting biometric, i.e., fingerprint, data relating to said person; /b/ searching (via comparing) for a match between the biometric data relating to said person and biometric data previously stored in a biometric database, the biometric database not containing identities, i.e., associated data, of persons in association with the biometric data stored, said previously stored biometric data relating to persons for which means of identification have been previously generated; and, when no match has been found (that is, if none of the numbers returned as a result of comparing the input fingerprint with the fingerprint encoded address are address numbers which point to a profile in database 12, indicates that the input fingerprint does not match any of the fingerprints of the fingerprint encoded addresses currently in the database) : /c/ generating a means of identification, i.e., encoded address, associated with said person from biometric data relating to said person and at least one identity of said person (See for example, col. 3, lines 65 – col. 4, line 22). Thus, each of the requirements (a-c) of claim 1 is met.

With regard to claim 2, the method as claimed in claim 1, comprising furthermore the step: /d/ adding, i.e., storing, the biometric data relating to said person to the biometric database (See for example, col. 4, lines 19-22) .

With regard to claim 3, the method as claimed in claim 2, in which, during step /d/, the biometric data are added to the biometric database in association with a unique identifier, i.e., address number, of said means of identification associated with said person (See for example, col. 4, lines 15-22).

Art Unit: 2624

With regard to claim 4, the method as claimed in claim 1, furthermore comprising a step of verification (via comparing) of the identity of said person (See for example, col. 4, lines 1-22).

With regard to claim 5, the method as claimed in claim 4, in which the verification (via comparing) of the identity is reinforced for a person for which a match has been found in step /b/ (See for example, col. 4, lines 1-13 and lines 38-49).

With regard to claim 6, the method as claimed in claim 1, in which the generation, in step /c/, of a means of identification associated with said person is performed firstly from biometric data relating to said person, then supplemented with the addition of at least one identity, i.e., associated data, of said person (See for example, col. 4, lines 1-49).

With regard to claim 7, the method as claimed in claim 1, in which the phase of generating a unique means of identification associated with said person furthermore comprises the following steps: calculating a key associated with said person, the key being able to take a much smaller number of values than the number of persons apt to require the generation of a unique means of identification, and high enough for any two persons to be associated with different keys, with a predetermined level of probability; and storing said key in a database of the identities in association with an identity of said person (See for example, col. 4, lines 24-37; and col. 8, lines 21-49).

With regard to claim 8, the method as claimed in claim 7, in which the number of values of the key is chosen in such a way as to take account of the calculational power necessary to calculate all the combinations by brute force (which broadly reads on col. 4, lines 24-37).

Art Unit: 2624

With regard to claim 9, the method as claimed in claim 7, in which the number of values of the key lies substantially between a few tens and a few hundreds when the number of persons apt to require the generation of a unique means of identification is a few million or tens of millions (which broadly reads on col. 4, lines col. 4, lines 24-37; the Abstract).

With regard to claim 14, the method as claimed in claim 7, in which the calculation of the key is random (See for example, col. 4, lines 26-28; and col. 8, lines 21-23; and the abstract).

With regard to claim 15, the method as claimed in claim 14, in which moreover the key is stored in the biometric database in association with the biometric data relating to said person (See for example, col. 4, lines 24-37).

With regard to claim 17, the method as claimed in claim 1, furthermore comprising a second phase of granting at least one entitlement to said person, in which: /e/ said person identifies themselves with the aid of the means of identification which has been previously associated therewith; and /f/ said entitlement is granted to said person when said entitlement has not already been granted to said person a number of times equal to a predetermined number (See for example, col. 8, lines 19-49).

With regard to claim 18, the method as claimed in claim 17, in which step /e/ comprises a comparison between biometric data relating to said person and the biometric data from which the means of identification associated with said person has been generated (See for example, col. 8, lines (See for example, col. 4, lines 1-22).

Claims 26, 28, 29, 30, 31, 32, 33, 34, 35, 40, 41, 43 and 44 are rejected the same as claims 1, 2, 3, 4, 5, 6, 7, 8, 9, 14, 15, 17 and 18 respectively except claims 26, 28, 29, 30, 31, 32,

Art Unit: 2624

33, 34, 35, 40, 41, 43 and 44 are apparatus claims. Thus, argument similar to those presented above for claims 1, 2, 3, 4, 5, 6, 7, 8, 9, 14, 15, 17 and 18 are respectively applicable to claims 26, 28, 29, 30, 31, 32, 33, 34, 35, 40, 41, 43 and 44.

***Allowable Subject Matter***

5. Claims 10-11, 16, 19-21, 23, 25, 37-39, 42, 45-46, and 48-49 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Patent Numbers: 6230148, 6317834 and 6505193; and US Patent Application Publication Number: 2003/0061172.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL G. MARIAM whose telephone number is 571-272-7394. The examiner can normally be reached on M-F (7:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, VIKKRAM BALI can be reached on 571-272-7415. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2624

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/DANIEL G MARIAM/  
Primary Examiner, Art Unit 2624